

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DEWAYNE PRESSLEY,

Civil No. 05-0048 (JRT/JGL)

Petitioner,

v.

O R D E R

**UNITED STATES ATTORNEY
GENERAL,**

Respondent.

Dewayne Pressley, No. 05790-424, FMC - Rochester, P.O. Box 9600, Rochester, Minnesota, 55903-4600, pro se petitioner.

Perry F. Sekus, Esq., **OFFICE OF THE UNITED STATES ATTORNEY**, Assistant U.S. Attorney, 300 South Fourth Street, Minneapolis, Minnesota, 55415, for respondent.

Based upon the Report and Recommendation by Chief United States Magistrate Judge Jonathan Lebedoff dated May 5, 2005, all the files, records and proceedings herein, and no objections having been filed to that Report and Recommendation,

IT IS HEREBY ORDERED:

(1) Petitioner Pressley's Petition pursuant to 28 U.S.C. § 2241 for Federal Writ of Habeas Corpus [Doc. No. 1] is **DISMISSED WITH PREJUDICE**;

(2) Petitioner Pressley's Motion for Temporary Restraining Order [Doc. No. 13] is **DENIED**; and

(3) Petitioner Pressley's "Motion Requesting the Order to Hospitalire
Petitioner be Lift and Made Moot and An Order of Immediate Release be Handed Down
by the Courts" [Doc. No. 20] is **STRUCK** as duplicative of the underlying Petition.

Dated: June 2, 2005
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge